IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITON NO.417 OF 2004

Sana Rupani. ...Petitioner

V/s.

The State of Maharashtra & Ors. ...Respondents

Mr.Satish L.Maneshinde for Petitioners.

Mr.H.H. Ponda for Respondents no.2 to 5.

Mr.D.P. Adsule, A.P.P. for State.

CORAM : A.S. AGUIAR, J.
DATED : AUGUST 19, 2004.

P.C. :-

1. Heard learned Advocates for the parties.

2. The petitioner challenges the order passed by the learned Metropolitan Magistrate, 8th Court, Esplanade, dated 21st March, 2003 as well as the order of the Sessions Court dated 29th January, 2004 directing that the property viz. items 1 and 2 of the panchanama dated 14th January, 2003 and item nos. 1 to 4, 8, 13, 17, 18 and 31 of the panchanama dated 15th January, 2003

which were produced by applicant no.3 be returned to the applicant no.3 on execution of bond in the sum of Rs.17,11,052/- on usual terms and conditions. The petitioner prays that the said item forming part of the 'Stridhan' be returned to him.

3. Having heard learned Advocates for the parties it is clear that the said items of jewellery have already been returned to respondent nos.2 and 3 herein on execution of bond of Rs.17,11,052 and on usual terms and conditions such as producing the jewellery in Court as and when required by the Court.

4. Learned Advocate Mr.Ponda for Respondent Nos.2 to 5 states that his client, respondent no.3 who is personally present in Court, is the owner of flat in Sharada Co-operative Housing Society Ltd. situated at 'A' Raod, Churchgate, Mumbai - 20, which he claims to be of the value of Rs.40 lakhs. The Respondent no.3 Shri Amarlal Rupani undertakes to the Court that he will not dispose of or encumber or alienate the said flat pending the disposal of the trial and will keep the same as

security for the safe custody of the items of jewellery stated above. The undertaking is accepted.

. With the above order, writ petition to stand dispose of.

. Parties be supplied authenticated copy of this order.

(A.S. AGUIAR, J.)